

Thanks for the opportunity to comment on the Draft permit. Below are comments from NCE.

1. General Comments
  - a. The permit is thorough and very prescriptive about requirements.
  - b. The integration of NPDES MS4 requirements and a TMDL Implementation plan is a much needed advancement in stormwater regulations. Many permittees throughout California are struggling with implementing stormwater programs which receive conflicting direction from NPDES Municipal Permits and TMDL Implementation Plans developed separately.
  - c. The administrative requirements associated with the permit are substantial when compared with other Municipal Phase I permits.
  - d. At the national level, EPA is going through a formal rulemaking process to revamp the NPDES program. As a part of this endeavour, EPA has stated that NPDES permits should focus on the six minimum control measures until the rulemaking process is complete. The six minimum control measures include
2. Format – It is often difficult to determine if references to a section (i.e. Section IV) are referring to the main permit or Appendix C. It would be helpful to refer to all Sections in an Appendix by first stating the Appendix letter and then the Section number.
3. Applaud the RWQCB for committing to take the lead in coordinating compliance with this permit by Federal and State Landowners within the permit area who operate storm drain facilities or discharge stormwater to the Permittees but for which the permittees do not have legal jurisdiction over.
4. Page 2 – Hydromodification is first introduced in the permit at the bottom of page 2. It states that “high volumes and high velocities...” cause adverse impacts but then the remaining sections of the permit are silent to addressing this issue. What is the purpose of including this discussion? It would be helpful to include more discussion as many professionals involved in stormwater in the Lake Tahoe Basin are unfamiliar with or do not understand the implications of hydromodification, even though compliance with hydromodification is standard throughout the rest of California.
5. Page 17 – Construction component of SWMP. Requiring jurisdictions to track and perform inspections on construction sites under the jurisdiction of the State Construction General Permit (CGP) seems duplicative and not a good use of the Local Jurisdictions resources. The State Water Board receives 100% of the permit fees and is responsible for performing inspections and tracking BMP implementation and compliance with the permit.
6. Page 19 – Same comment as #5 for sites that are covered by the Industrial General Permit.
7. Page 24 - Fiscal Analysis. Although conducting a fiscal analysis is an important aspect of a comprehensive stormwater program, performing an analysis each year will be time and resource intensive and not cost effective. Based on our experience developing the Stormwater Finance Strategy for the County of El Dorado, conducting an analysis once every three years or once per permit term seems more reasonable and will provide more useful information (due to the budget fluctuation which occurs annually at local jurisdictions).
8. Page 26 – Lake Clarity Crediting Program. Lahontan RWQCB has done an outstanding job of developing a quantitative means of measuring compliance with the approved Lake Tahoe TMDL. The Draft permit does not adequately present the administrative requirements associated with implementing the Lake Clarity Crediting Program.

9. Page 30 – The administrative requirements, particularly the number of reports, of the permit will be very challenging for the permittees to comply with and likely unfeasible.
10. Attachment C
  - a. Extensive water quality monitoring of catchments and BMPs is necessary to improve and validate the data sets for which the TMDL and the TMDL tools are based. It is commendable to include the water quality monitoring in the Draft permit but it seems more appropriate for this work to be conducted by the science community and regulatory agencies rather than permittees. Typically with NPDES permits, permittees are required to apply BAT or Best Available Technology which is determined by the science community, academia, trade organizations or private industry. It will be very challenging for local jurisdictions to take on the responsibility of coordinating, funding and implementing comprehensive monitoring requirements.
  - b. Given the large number of required submittals associated with this Draft Permit and the varying dates when they are due it would be recommended to consolidate many of these submittals. It would be more cost effective to have many of the plans (i.e. the monitoring plan or the pollutant load reduction plan) submitted in conjunction with annual reports. Or in some cases the annual report may simply be entirely made up of task specific plan or report described in the permit.

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